

IN THE HOUSE OF REPRESENTATIVES.

FEBRUARY 6, 1871.

Read twice, referred to the Committee on the Public Lands, and ordered to be printed.

Mr. STRICKLAND, on leave, introduced the following bill :

A BILL

To incorporate the Corinne, Bear River and Salt Lake Canal Company, and for a grant of land to aid in the construction of a canal for irrigation and other purposes, in the Territory of Utah.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That W. H. Munro, J. W. Graham, John Tiernan, O. J. Hol-
4 lister, P. H. Wilbour, E. W. Rice, William Shaffer, Samuel
5 Howe, M. T. Burgess, Dennis J. Toohy, D. R. Short, Edward
6 Conway, Julius Malsh, O. D. Huyck, George B. Parker, E.
7 P. Johnson, T. J. Black, E. G. Maclay, J. M. Moore, N. A.
8 Woodbury, O. D. Cass, John W. Kerr, and B. F. White,
9 and such other persons as they may associate with them, their
10 successors and assigns, are hereby constituted a body corpo-
11 rate and politic, under the name and style of the Corinne,

12 Bear River and Salt Lake Canal Company, and by that name
13 they, the said persons above-named, and all who shall here-
14 after be associated with them as shareholders of said
15 corporation, their successors and assigns, shall be capable
16 in law to purchase, receive, retain, and enjoy lands,
17 tenements, goods, chattels, and effects of any and every kind
18 whatsoever, and the same to grant, sell, mortgage, hypothe-
19 cate, and dispose of, to sue and be sued, and by said corporate
20 name to make and have a common seal, to break or alter the
21 same, to ordain, establish, and put in use such by-laws and
22 regulations as may be deemed necessary and expedient for the
23 government of said corporation, not being repugnant to the
24 laws and Constitution of the United States.

1 SEC. 2. *And be it further enacted,* That the locality of
2 said corporation shall be in the Territory of Utah, and that the
3 capital stock thereof shall be two hundred and fifty thousand
4 dollars, divided into shares of one hundred dollars each, with
5 the right and privilege of increasing the same at any time
6 upon a majority vote of the shareholders, as they may here-
7 after determine; the payments upon the shares of stock and
8 all other assessments to be required of the holders thereof to
9 be paid according to the rules and regulations specified in and
10 by the by-laws of the said corporation, and that in all meet-
11 ings of the shareholders each share shall be entitled to one
12 vote: *Provided,* That the said corporation may establish by

13 by-laws the length of time the said share must be held and
14 owned to entitle the owner and holder to vote thereon;
15 and that said corporation shall, in like manner, provide by
16 by-laws how and in what manner alone transfer of shares
17 shall be binding upon the said corporation.

1 SEC. 3. *And be it further enacted*, That for the ordering
2 and more convenient management of the affairs and busi-
3 ness of said corporation, the following named persons, viz:
4 W. H. Munro, J. W. Graham, John Tiernan, O. J. Hollister,
5 P. H. Wilbour, and E. W. Rice, shall constitute the first board
6 of directors, who shall nominate and elect one of their number
7 as president, and that it shall be the duty of said board of
8 directors to open books, or cause books to be opened, at such
9 times and in such places in said Territory as they, or a quorum
10 of them, shall determine, within six months after the passage
11 of this act, to receive subscriptions to the capital stock of said
12 corporation, and a cash payment of five per centum on all
13 subscriptions, and to receipt therefor. So soon as five hun-
14 dred shares shall in good faith be subscribed for, and five dol-
15 lars per share actually paid into the treasury of the company,
16 the said board of directors shall appoint a time and place for
17 the first meeting of the subscribers to the stock of said com-
18 pany, and shall give notice thereof in three issues of at least
19 one paper in said Territory of Utah, the last publication at
20 least fifteen days previous to the day of meeting; and such

21 subscribers as shall attend the meeting so-called, either in
22 person or by lawful proxy, then and there shall elect by bal-
23 lot not less than nine directors for said corporation. The
24 president and any two members, or any three members, of
25 said board shall act as inspectors of said election, and shall
26 certify under their hands the names of the directors elected at
27 said meeting; and the president and board above provided for
28 shall then deliver over to said directors, newly chosen, all the
29 properties and books of said company in their possession, and
30 the board of directors previously provided for and all officers
31 appointed by them shall cease and determine forever. An-
32 nual meetings of the stockholders of said corporation for the
33 choice of officers (when they are to be chosen) and for the
34 transaction of business shall be holden at such time and place
35 and upon such notice as may be prescribed in the by-laws;
36 *Provided always*, That if an election be not held at the time
37 appointed for directors, the corporation shall not for that
38 reason be deemed dissolved, but the directors then in office
39 shall continue to act until their successors are elected and
40 qualified: *And provided further*, That all vacancies which
41 shall occur between the periods appointed for the annual
42 elections, from any cause whatever, shall be filled by the
43 directors then acting.

1 SEC. 4. *And be it further enacted*, That the board of
2 directors shall appoint the engineers, treasurer, secretary, and

3 all other subordinate officers and agents, and the same again
4 to remove.

1 SEC. 5. *And be it further enacted*, That the said cor-
2 poration shall have the right to erect, build, and construct a
3 canal for irrigating, mechanical, and domestic purposes, com-
4 mencing at a point on said Bear River in the canon, above where
5 it debouches into the valley of Salt Lake, at or near the north
6 west corner of township number twelve north, range number
7 two west of the Salt Lake meridian, with a channel not less than
8 six feet wide on the bottom, and four feet deep, ranging in
9 size according to the amount of water which may be needed
10 for irrigation; thence in a general southern direction between
11 said Bear River and the Promontory range of mountains to
12 Salt Lake. Said canal may have branches starting from any
13 point of the main channel wherever the same may be necessary.

1 SEC. 6. *And be it further enacted*, That the right of
2 way through the public lands be, and the same is hereby,
3 granted to the said Bear River and Salt Lake Canal Com-
4 pany, its successors and assigns, for the constuction of the
5 canal and its branches, and distributing ditches, as proposed;
6 and the right, power, and authority is hereby given to said
7 corporation to take from the public lands adjacent to the line
8 of said canal, branches, and ditches, material of earth, stone,
9 and timber for the construction thereof; said right of way is
10 granted to said company to the extent of one hundred feet on

11 each side of said canal and branches wherever they may pass
12 through the public domain.

1 SEC. 7. *And be it further enacted*, That there be, and
2 is hereby, granted to said Bear River and Salt Lake Canal
3 Company, its successors and assigns, for the purpose of aiding
4 in the construction of their said canal and branches, every
5 alternate one of the sections of public lands within four miles
6 on each side of said canal, designated by even numbers,
7 which can be irrigated by said canal or branches: *Provided*,
8 That the Central Pacific Railroad Company shall grant to
9 said company, to aid in the construction, an equal number of
10 sections of lands designated by odd numbers which can in
11 like manner be irrigated, on each side of said canal, on the line
12 thereof, where the United States have full title not reserved,
13 sold, granted, or otherwise appropriated, and free from pre-emp-
14 tion, or other claim or rights, at the time the line of said
15 canal and branches are designated by a plat filed in the office
16 of the United States surveyor general in the city of Salt
17 Lake, and also in the office of the register in the land district
18 in which the same may lie.

1 SEC. 8. *And be it further enacted*, That whenever said
2 Bear River and Salt Lake Canal Company shall have com-
3 pleted ten consecutive miles of any portion of said canal,
4 ready for purposes of irrigation, the President of the
5 United States shall appoint three commissioners, citizens of

6 Utah Territory, to examine the same, who shall be paid a
7 reasonable compensation for their services by said company,
8 to be determined by the surveyor general of Utah. If it
9 shall appear that ten consecutive miles of said canal and
10 branches have been completed in good, substantial, and work-
11 manlike manner, to the satisfaction of said commissioners,
12 they shall report to the President of the United States in
13 writing, and patents of land, as aforesaid, shall thereupon
14 issue to said Bear River and Salt Lake Canal Company, or
15 their assigns, confirming to said company the right and title
16 to said lands, situated opposite to and coterminous with said
17 completed section of said canal; and when the second
18 and last section of said canal, being ten miles or less in
19 length, shall be constructed, completed, and in readiness, as
20 aforesaid, and verified by said commissioners to the President
21 of the United States, then patents shall be issued to said
22 Bear River and Salt Lake Canal Company conveying the
23 additional sections of land as aforesaid.

1 SEC. 9. *And be it further enacted,* That the Bear River
2 and Salt Lake Canal Company be, and is hereby, authorized
3 and empowered to enter upon, purchase, take, and hold any
4 lands or premises that may be necessary and proper for the
5 construction and working of said canal and branches, not ex-
6 ceeding in width one hundred feet on each side of the line of
7 said main canal, and not exceeding in width fifty feet on each

8 side of the branches or ditches. And in case the owner of
9 such lands or premises and the said company cannot agree as
10 to the value of the premises taken, or to be taken, for the use
11 of said canal and branches, it shall be lawful for the president
12 of said corporation, upon giving at least ten days' notice to
13 the owner or owners, to apply to the judges of any court of
14 record in the county or district where said canal is to be con-
15 structed, for the appointment of persons to ascertain and de-
16 termine upon the value of such property. And thereupon the
17 said judge shall appoint three disinterested persons, who shall,
18 upon oath, assess the value of said land, timber, stones, earth,
19 or other materials, according to the true intrinsic value thereof;
20 and the value of all or any of said property, when ascertained
21 as aforesaid, shall be paid by said company, together with all
22 the expenses of said appraisement: *Provided*, That said ap-
23 praisers shall not charge more than five dollars per day each
24 while engaged in making said appraisement.

1 SEC. 10. *And be it further enacted*, That the Corinne,
2 Bear River and Salt Lake Canal Company be, and is hereby,
3 authorized and empowered to issue its bonds to an amount not
4 exceeding the total value of all the lands belonging to said
5 company, at the minimum price of two dollars and fifty cents
6 per acre, the bonds to constitute a first mortgage upon such
7 lands.